

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA

In re

INCREDIBLE AUTO SALES LLC,

Debtor.

Case No. 06-60855-11

ORDER

At Butte in said District this 10th day of January, 2007.

In this Chapter 11 bankruptcy, the Office of the United State's Trustee ("UST") filed a Motion to Convert on December 28, 2006, seeking the conversion of this case to Chapter 7 of the Bankruptcy Code. The UST's Motion was filed in accordance with Mont. LBR 9013-1, and contains a notice provision that reads:

NOTICE

If you object to the motion, you must file a written responsive pleading and request a hearing within ten (10) days of the date of the motion. The responding party shall schedule the hearing on the motion at least 20 days after the date of the response and request for hearing and shall include in the caption of the responsive pleading the date, time and location of the hearing by inserting in the caption the following:

NOTICE OF HEARING

Date:_____

Time:_____

Location:_____

If no objections are timely filed, the Court may grant the relief requested as a failure to respond by any entity shall be deemed an admission that the relief requested should be granted.

Creditor Hyundai Motor Finance Company filed a Joinder in the UST's Motion on January 4, 2007.

This Court has previously admonished Debtor's counsel for his failure to follow this Court's Local Rules. Despite such admonition, counsel filed a response to the UST's Motion to Convert on January 7, 2007, and despite the express directive of Mont. LBR 9013-1 and the Notice attached to the UST's Motion, failed to notice the matter for hearing. Accordingly,

IT IS ORDERED that "Debtor's Response, Resistance and Objection to US Trustee's Motion to Convert the Chapter 11 to a Chapter 7" filed January 7, 2007, is stricken from the record.

BY THE COURT

A handwritten signature in cursive script, reading "Ralph B. Kirscher", is written over a horizontal line.

HON. RALPH B. KIRSCHER

U.S. Bankruptcy Judge

United States Bankruptcy Court

District of Montana